

MINUTES OF THE REGULAR MEETING OF NOVEMBER 21, 2013

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday afternoon, November 21, 2013 in the County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Rodney Smith, Mr. I.G. Burton, III, Mr. Michael Johnson, Mr. Martin Ross with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director and Mr. C. Shane Abbott – Assistant Director.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to approve the Agenda as circulated. Motion carried 5 – 0.

OTHER BUSINESS

Subdivision #2005 – 64 - - Palisades Land, LLC

Revised Preliminary

Mr. Abbott advised the Commission that this item was deferred at the October 24, 2013 meeting so that the full Commission could participate in this discussion; that this is a revised preliminary plan for Phase 1; that this phase contains 281 single family lots, a community clubhouse and pool; that the existing Phase 1A has received final record plan approval for 22 lots; that there are no revisions to this phase; that an entrance has been removed from Road 363 and Road 364 and cul-de-sacs have replaced through or loop streets; that the Commission was previously provided a copy of the revised preliminary plan and a copy of the approved master plan for comparison; that the project still has fewer lots than what was originally approved; and that the Commission needs to determine whether the revisions are significant enough to warrant an amended subdivision application.

Frank Kea with Solutions IPEM was present on behalf of this request and advised the Commission that the project has been reduced in size; that 699 lots are proposed on 434 acres more or less; that the home products has changed; that the wetlands delineation expired and a new delineation was performed; that the roads have been redesigned; that 2 entrances have been removed; and that the revised plan still meets all of the original conditions of approval.

The Commission discussed the revised plan and noted that the revisions are not that significant; that 2 entrances have been removed from a busy road; that there are 2 more phases that need to be seen; that there could be revisions to the other phases; that there are fewer lots on fewer acres; that the project keeps changing and that it would be beneficial to see the entire project; that the project is not an RPC; that a new application could be a waste of time and that it is possible that the original decision could be reversed; that there was opposition to the original application and concerns were expressed about the size of the project and traffic; that the project still conforms to the original approval but only on a smaller scale; and that it may not be necessary for a new hearing.

Motion by Mr. Smith, seconded by Mr. Johnson and carried 3 votes to 2, with Mr. Ross and Mr. Wheatley opposed, to deny the revised preliminary as submitted. Motion carried 3 – 2.

Americana Bayside MR/RPC

Coastal Crossing (Village G) – Final Site Plan

Mr. Abbott advised the Commission that this is the final site plan for 51 residential units in this residential planned community; that the Commission granted preliminary approval for 55 units on March 21, 2013; that there are 35 single family detached homes and 16 single family duplex homes proposed; that the proposed setbacks are 20 feet from the front property line, 10 feet from the rear property line and 5 feet from the side property lines; that all agency approvals have been received; and that the Commission was previously provided a copy of the final site plan.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to approve the site plan as a final. Motion carried 5 – 0.

Chesapeake Agrisoil, LLC

CU #1962 Site Plan – Route 13A

Mr. Abbott advised the Commission that this is a site plan for an agricultural composting facility; that this conditional use was approved on June 25, 2013 with 9 conditions; that the site plan is the same as the plan submitted for the public hearing; that the conditions of approval are noted on the plan; that Phase 1 and 2 contains a proposed building, composting areas and product storage area; that Phase 3 contains composting areas and product storage areas; that if preliminary approval is granted, final approval could be subject to the staff receiving all agency approvals; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to approve the site plan as a preliminary with the stipulation that final site plan approval shall be subject to the staff receiving all agency approvals. Motion carried 5 – 0.

Subdivision #2006 – 54 - - Coolspring Realty Ventures, LLC

Spring Haven Subdivision – Amended Condition

Mr. Abbott advised the Commission that this is a request to amend the condition requiring sidewalks on at least one side of all streets; that this 18 lot standard subdivision received final approval from the Commission on May 20, 2009; that this approval is valid until January 1, 2016; that due to construction design concerns, the developers are requesting that the requirements of sidewalks be deleted; that the minimum lot size is 32,670 square feet (0.75 ac); and that the Commission was previously provided a copy of the letter from the developers.

The Commission discussed the number of lots that are approved and the size of the lots and determined that the sidewalks are not necessary for this project.

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to delete the condition requiring sidewalks on at least one side of all streets. Motion carried 5 – 0.

Jeanne Marie Flemming

2 Lots on 50' Easement – Road 346

Mr. Abbott advised the Commission that this is a request to subdivide a 51.98 acre parcel into 2 lots with access from a 50-foot easement; that Lot 1 will contain 46.00 acres, more or less and Lot 2 will contain 6.00 acres, more or less; that the owner is proposing to create the 50-foot easement over an existing dirt lane; that the request may be approved as submitted, or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to approve the request as submitted. Motion carried 5 – 0.

Timothy Ramey Construction, Inc.

2 Lots on 50' Easement – Road 472

Mr. Abbott advised the Commission that this is a request to create 2 lots with access from a 50-foot easement; that Lot 6 will contain 0.95 acre and Lot 7 will contain 1.30 acres; that the owner is proposing to create the 50-foot easement over an existing driveway; that DelDOT has issued a Letter of No Objection; that the request may be approved as submitted, or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Ross, seconded by Mr. Smith and carried unanimously to approve the request as submitted. Motion carried 5 – 0.

Bob Romani

2 Lots on 50' Easement – Road 463

Mr. Abbott advised the Commission that this is a request to subdivide a 5.0 acre parcel into 2 lots with access from a 50-foot easement; that one lot will contain 1.0 acre and the other 4.0 acres; that the owner is proposing to create the 50-foot easement over an existing driveway; that the request may be approved as submitted, or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Ross, seconded by Mr. Smith and carried unanimously to approve the request as submitted. Motion carried 5 – 0.

David Smith

Parcel and 50' Easement – Road 38

Mr. Abbott advised the Commission that this is a request to create a 4.0 acre parcel with access from a 50-foot easement off of Road 38; that the remaining 1.0 acre parcel has road frontage

along Road 228; that the owner is proposing to create the 50-foot easement over his father's existing driveway; that the request may be approved as submitted, or an application for a major subdivision can be required; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to approve the request as submitted. Motion carried 5 – 0.

James Wolfe

3 Parcels and 50' Right of Way – Road 455

Mr. Abbott advised the Commission that this is a request to subdivide a 5.50 acre parcel into 3 lots with access from a 50-foot right of way; that 2 lots will contain 32,670 square feet (0.75 acre) and the remaining lot will contain 4.00 acres; that the owner is proposing to create the 50-foot right of way over an existing driveway; that the request may be approved as submitted, or an application for a major subdivision can be required; that if the request is approved as submitted, it should be stipulated that any further subdivision of the property will require an application for a major subdivision; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Ross, seconded by Mr. Smith and carried unanimously to approve the request as submitted with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 5 – 0.

Meeting adjourned at 3:50 p.m.